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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,172	02/12/2001	Clifford A. Reid	459312000100	2108
20872	7590	06/09/2005	EXAMINER	
MORRISON & FOERSTER LLP 425 MARKET STREET SAN FRANCISCO, CA 94105-2482				SIDDIQI, MOHAMMAD A
ART UNIT		PAPER NUMBER		
2154				

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/782,172	REID ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohammad A. Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/19/05 3/7/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-18 are presented for examination. Claim 19 is cancelled.
  
2. The information disclosure statement (IDS) submitted on 03/07/2005 and 01/19/2005 were filed after the mailing date of the office action on 06/22/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Parasnus et al. (6,728,753) (hereinafter Parasnus).

5. As per claim 11, Parasnis discloses a method of streaming a first data stream in a plurality of streaming modes supported at a first computer connected to a first side of a wide area network from the first computer to a second computer connected to a second side of the wide area network (col 8, lines 55-67), the second computer having a media player program for presenting content of the data stream to a user at the second computer (col 4, lines 35-51), a first mode of the media player program not changing in response to a change from a first of the plurality of streaming modes to a second of the plurality of streaming modes, the method comprising (col 4, lines 1-51 and col 8 , lines 66-67):

sending executable instruction code in a carrier signal from the first computer to the second computer for invoking the first mode of the media player program and for presenting an on-screen interface allowing a user at the second computer to request in successive fashion at least the first and the second of the plurality of streaming modes supported at the first computer (col 4, lines 35-51);

in response to a request received at the first computer from a user at the second computer to change from the first of the plurality of streaming modes to the second of the plurality of streaming modes (col 9, lines 17-67), associating time stamp (fig 8) values with data units of the first data stream such that the media player program at the second computer will present

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content of the first data stream in a manner providing the user at the second computer (col 8, lines 55-67) an experience of a mode change while the media player program remains in the first mode of the media player program (col 4, lines 1-51 and col 26, lines 19-43)).

6. As per claim 12, Parasnus discloses wherein the first mode of the media player is a mode for playing in sequence data units having successively increasing time stamp values (real-time, col 4, lines 35-51), the first mode of the plurality of streaming modes is a live mode (col 4, lines 35-51), the second mode of the plurality of streaming modes is a non-live mode (fig 8) having a first identifiable difference between an originally applied time stamp of a data unit to be next delivered from the first computer to the second computer and a time stamp corresponding to real time wherein the time stamp values of data units to be next delivered are changed from the originally applied time stamp to the time stamp corresponding to real time such that the second computer continues to receive data units that have successively increasing time stamp values when a mode change from the first of the plurality of streaming modes to the second of the plurality of streaming modes occurs (col 25, lines 43-67).

7. As per claim 13, Parasnus discloses the first mode of the media player program is a mode for playing content at a first content rate, the first mode of the plurality of streaming modes is a mode for playing content at the first content rate, and the second mode of the plurality of streaming modes is a mode for playing content at a second content rate (fig 8), the second content rate being faster than the first content rate, and wherein when streaming in the second of the plurality of modes, time stamps of data units sent to the second computer are adjusted such that a time value difference between the time stamps of a first data unit and a second data unit is less than the time value difference between the original time stamps applied to the first data unit and the second data unit so that the media player program, while remaining in a mode for playing content at the first content rate, plays content at the second content rate (fig 8, col 17, lines 40-67).

8. As per claim 14, Parasnus discloses In a conferencing system having a plurality of computers connected to a network, the system allowing a speaker to request at least in successive fashion display of a sequence of presentation slides on a speaker monitor connected to a speaker computer connected to the network and on a plurality of participant monitors each one of the plurality of participant monitors connected to a participant computer connected to the network (col 4, lines 1-67 and col 5, lines 1-15), the

participant computers having an interface for entering text of questions/comments and for transmitting the questions/comments across the network, a method for handling the questions/comments comprising (col 12, lines 20-43): interposing a Q/A slide into the sequence of presentation slides such that the speaker requests display of the Q/A slide on the speaker monitor at a time in a presentation given by the speaker at which the speaker would like to view and respond to at least one of the questions/comments (col 12, line 13-43); sending the text of the at least one of the questions/comments to the speaker computer (col 12, lines 20-43); and on the speaker monitor merging display of the Q/A slide with display of the text of the at least one of the questions/comments when the speaker requests display of the Q/A slide on the speaker monitor (col 4, lines 1-51 and col 12 , lines 20-43).

9. As per claim 15, Parasnus discloses selectively designating the Q/A slide public; sending the Q/A slide to each of the participant computers; only if the Q/A slide is designated public (col 4, lines 35-51), sending the text of the at least one of the questions/comments to each of the participant computers; and on each of the participant monitors, merging display of the Q/A slide with display of the text of the at least one of the questions/comments when the speaker requests display of the Q/A slide (col

12, lines 12-43).

10. As per claim 16, Parasnus discloses prior to sending the text of the at least one of the questions/comments to the speaker computer, sending the text of the at least one of the questions/comments to a moderator computer, the moderator computer having an interface for a moderator at the moderator computer to view the at least one of the questions/comments and for the moderator to selectively indicate that the at least one of the questions/comments is to be sent to the speaker computer (col 13, lines 7-18); sending the at least one of the questions/comments to the speaker computer only if the moderator has indicated that the at least one of the questions/comments is to be sent to the speaker computer (col 12, lines 12-43 and col 13, lines 7-18).

11. As per claim 17, Parasnus discloses presenting an interface for the moderator to enter annotation text and selectively associate the annotation text with the at least one of the questions/comments (col 12, lines 12-43); sending the annotation text along with the at least one of the questions/comments to the speaker computer and displaying the annotation text on the speaker monitor so that the speaker may determine with which

question the annotation text is associated (col 12, lines 12-43).

**12.** As per claim 18, Parasnus discloses A system for the delivery of content over a wide area network, the content being captured by the system over time (col 3, lines 55-67), the system comprising at least: means for receiving streaming mode requests (col 39-49, media player); and means for streaming at least one data stream in at least one of plurality of streaming modes in response to the streaming mode request (fig 8, col 4, lines 1-51, col 8, lines 55-67 and col 5, lines 30-45, live content and slides).

***Claim Rejections - 35 USC § 103***

**13.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**14.** Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Parasnus et al. (6,728,753) (hereinafter Parasnus) in view of Haraoka et al. (6,898,801) (hereinafter Haraoka).

15. As per claims 1 and 6, Parasnis discloses a system for delivery of content over a wide area network, the content being captured by the system over a time period of a live event, the system comprising (col 1, lines 10-15):

a first computer connected to a first side of the wide area network (col 8, lines 55-67), the first computer having a cache for storing at least one data stream and the first computer having access to executable instruction code in an electronically readable medium for at least (col 5, lines 23-39):

identifying a live portion of the at least one data stream containing content captured by the system (col 4, lines 35-45), the live portion being that portion of the at least one data stream at the first computer containing content captured more recently (see abstract) by the system than the content contained in any other portion of the at least one data stream at the first computer currently available for sending from the first computer to a second computer (fig 8, col 4, lines 35-41), the second computer being connected to a second side of the wide area network (col 4, lines 35-41);

identifying a user position portion of the at least one data stream (controlling, col 4, lines 35-41), the user position portion of the at least one data stream being that portion most recently sent from the first computer to the second computer (col 4, lines 35-51);

receiving a first request at the first computer from the second computer (col 4, lines 1-51);

in response to the first request, sending the live portion of the at least one data stream from the first computer to the second computer (col 4, lines 1-51);

receiving a second request at the first computer from the second computer (col 4, lines 1-51); and

Parasnus fails to disclose in response to the second request, sending a portion of the at least one data stream from the first computer to the second computer during at least the time period of the live event, the portion containing content captured less recently by the system than content contained in the live portion of the at least one data stream. However, in response to the second request, sending a portion of the at least one data stream from the first computer to the second computer during at least the time period of the live event, the portion containing content captured less recently by the system than content contained in the live portion of the at least one data stream (fig 10, col 6, lines 49-55, slow motion replay, control time and holding time). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Parasnus and Haraoka. The motivation would have been replay the portion of the live broadcast during the live broadcast.

16. As per claims 2 and 7, claims are rejected for the same reasons as claims 1, above. In addition, Parasnus discloses the system of claim wherein the executable instruction code in an electronically readable medium is also for at least (col 8, lines 37-58):

receiving a third request at the first computer from the second computer (col 2, lines 22-34);

in response to the third request (col 2, lines 25-27), sending the at least one data stream from the first computer to the second computer beginning with a portion of the at least one data stream containing content captured less recently than the content contained in the live portion (col 2, lines 22-34), and continuing with succeeding portions of the at least one data stream (col 4, lines 35-40), each succeeding portion in sequence containing content more recently captured by the system (col 4, lines 35-51); and

in response to the third request sending the at least one data stream from the first computer to the second computer at a content rate such that (col 4, lines 35-51), after a period of time (fig 8), the user position portion of the at least one data stream is the live portion (col 4, lines 35-51), unless a request other than the third request is received at the first computer from the second computer after receipt of the third request at the first computer and before the user position portion is the live portion (col 4, lines 35-41);

wherein the third request may be sent by the second computer to the first computer and responded to by the first computer during a time period (fig 8) that at least includes the time period of the live event (fig 8) as extended by a latency period of the wide area network (col 4, lines 1-51 and col 23, lines 57-67).

17. As per claims 3 and 8, claims are rejected for the same reasons as claims 1, above. In addition, Parasnus discloses the at least one data stream includes a first data stream and a second data stream (col 23, lines 57-67), the first and second data streams containing substantially the same content (col 23, lines 57-67), the first data stream being a first sequence of audio samples and the second data stream being a second sequence of audio samples created at the first computer from the first sequence of audio samples, the content rate of the second sequence of audio samples when delivered at a first data rate being greater than the content rate of the first sequence of audio samples when delivered at the first data rate (col 23, lines 57-67); the at least one data stream sent in response to the first request includes the first data stream (col 5, lines 50-67); the at least one data stream sent in response to the third request includes the second data stream (col 4, lines 35-51 and col 5, lines 50-67); and the executable instruction code in an electronically readable medium is also for at least creating the

second data stream from the first data stream (col 5, lines 1-15).

18. As per claims 4 and 9, Parasnus discloses the at least one data stream includes a first sequence of video frames (col 2, lines 63-67).

19. As per claims 5 and 10, Parasnus discloses the at least one data stream includes a first sequence of commands for directing the second computer to retrieve and present a sequence of slides (col 4, lines 35-51).

### ***Response to Arguments***

20. Applicant's arguments filed 09/22/2004 have been fully considered but they are not persuasive, therefore rejections to claims 1-18 is maintained.

Claim 19 is cancelled.

21. In the remarks applicants argued that:

- A. Parasnus does not contemplate lost content during the transmission.
- B. Parasnus does not disclose sending a portion of the at least one data stream from the first computer to the second computer containing content captured less recently by the system than

content contained in the live portion of the at least one data stream.

C. Parasnis does not disclose storing a plurality of synchronized data streams.

D. Parasnis does not disclose for invoking the first mode of the media player program and for presenting an on-screen interface allowing a user at the second computer to request in successive fashion at least the first and the second of the plurality of streaming modes supported at the first computer (col 4, lines 35-51).

E. Parasnis does not discloses interposing a Q/A slide into the sequence of presentation slides such that the speaker requests display of the Q/A slide on the speaker monitor.

22. In response to applicant's argument A, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., lost content during the transmission) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

23. In response to applicant's argument B, examiner respectfully disagrees. Parasnus discloses sending a portion of the at least one data stream from the first computer to the second computer containing content captured less recently (attendee can replay the presentation after the broadcast, col 25, lines 63-67) by the system than content contained in the live portion of the at least one data stream (col 4, lines 1-51).
24. In response to applicant's argument C, examiner respectfully disagrees. Parasnus discloses storing plurality of synchronized data streams (col 5, lines 30-40, slide show and live content are cached).
25. In response to applicant's argument D, examiner respectfully disagrees. Parasnus discloses for invoking the first mode of the media player program and for presenting an on-screen interface allowing a user at the second computer to request in successive fashion at least the first and the second of the plurality of streaming modes supported at the first computer (col 4, lines 35-51, fig 15, 1276, 1278);
26. In response to applicant's argument D, examiner respectfully disagrees. Parasnus discloses interposing a Q/A slide into the sequence of presentation slides such that the speaker requests (1178, 1179, fig 11,) display of the Q/A slide on the speaker monitor (1154, fig 11 and col 12, line 13-43, audience feedback section).

***Conclusion***

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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